



10/21/03 H. D. Diclarich

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Whitman, et al.**

Application No.: 10/010,955

Attorney Docket No.: 3556-P02472US01

Filed: November 13, 2001

For: "SURGICAL CLAMPING, CUTTING AND STAPLING DEVICE"

Examiner: Smith, Scott A.

Group Art Unit: 3721

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The owner, **Power Medical Interventions, Inc.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,315,184, issued on November 13, 2001. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,315,184 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent

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I certify that I am an attorney of record in the patent application identified above. The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

Respectfully submitted,

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OCTOBER 16, 2003
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